

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STICHTING JURIDISCH EIGENDOM DE	:	
VESTE BELEGGINGSFONDSEN,	:	
Plaintiff,	:	
	:	21 Civ. 2102 (LGS)
-against-	:	
	:	<u>ORDER</u>
CAPSTONE CREDIT, LLC, ET AL.,	:	
Defendants.	:	
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CAPSTONE CREDIT, LLC, ET AL.,	:	
Counterclaim-Plaintiffs,	:	
	:	
-against-	:	
	:	
STICHTING JURIDISCH EIGENDOM DE	:	
VESTE BELEGGINGSFONDSEN, ET AL.,	:	
Counterclaim-Defendants.	:	
-----	X	

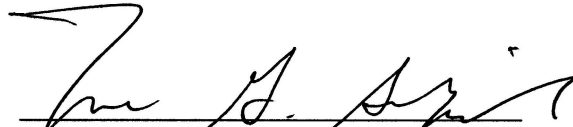
LORNA G. SCHOFIELD, District Judge:

Plaintiff Stichting Juridisch Eigendom De Veste Beleggingsfondsen (“Stichting”) brings this action for breach of contract and foreclosure against Defendants Capstone Credit, LLC (“CC”) and Capstone Capital Group, LLC (“CCG”) and for fraudulent misrepresentation against their Managing Member, Joseph F. Ingrassia. Defendants bring counterclaims for breach of the implied covenant of good faith and fair dealing and tortious interference against Stichting, and fraudulent misrepresentation against Stichting, Stichting’s asset manager, De Veste B.V. (“De Veste”), and De Veste CEO Jack van Oosterbosch (collectively, the “Counterclaim Defendants”). Stichting moves for partial summary judgment on Counts 1 and 3 of the Complaint, for breach of contract and foreclosure against CC and CCG. The Counterclaim Defendants move to dismiss the counterclaims against them.

Having considered the motion papers, the Court now issues this bottom-line order resolving the motions as follows: Stichting's motion for partial summary judgment on Counts 1 and 3 of the Complaint is GRANTED, and Counterclaim Defendants' motion to dismiss the Amended Counterclaims is GRANTED. A full opinion setting forth the reasoning for this decision will follow this order in due course.

The Clerk of Court is respectfully directed to close the motion at Docket Number 80.

Dated: December 20, 2022  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**